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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,927	08/31/2000	Theodore W. Meyers		4367

7590 05/16/2006
MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This Office Action is in response to applicant's appeal brief filed on April 10, 2006.
2. NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c).
3. Summary of the Claimed Subject Matter

The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters; and/or does not identify the structure, material, or acts described in the specification as corresponding to each claimed function for every means plus function and step plus function for each independent claim involved in the appeal and for each dependent claim argued separately by reference to the specification by page and line number, and to the drawing, if any, by reference characters, as required by 37 CFR 41.37(c)(1)(v).

At the instant, the summary fails to refer to the specification, by page and line number, and to the drawings, by figure and reference number.

The drawings presented in this section should be deleted from the section and placed as part of the appendix.

And, the section fails to define claims 15 and 23. the language 'similar to claim 1' is not appropriate.

4. Grounds of Rejection to be Reviewed on Appeal

The applicant incorporate “whether the examiner failed to give adequate consideration and weight to the affidavits under 37 CFR § 1.132 filed on December 2, 2002, August 7, 2003 and March 25, 2005” under the grounds of rejection section.

This statement should be deleted from this section since this is not a ground of rejection.

5. Arguments

Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. Any claim argued separately should be placed under a subheading identifying the claim by number. A statement, which merely points out what a claim recites, will not be considered an argument for separate patentability of the claim. See 37 CFR 41.37(c)(1)(vii).

At the instant, the section fails to provide a separate heading for each ground of rejection. Further, this section is to presents arguments, any figure presented in this section should be deleted and placed in the appendix section.

6. Copy of Claims

The copy of the claims involved in appeal should only show the claims that are appealed. Claims that are withdrawn or cancelled should not be included.

7. Related Proceedings Appendix

Although the current table of contents shows that A-6 is the related proceeding appendix, the current brief fails to provide a copy of A-6.

Art Unit: 3676

8. Appellant is required to comply with provisions of 37 CFR 41.37(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
Patent Examiner AU 3676
May 11, 2006.


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER